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10 Counsel for the Debtor in Possession

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12 **UNITED STATES BANKRUPTCY COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION**

14 10 In re

15 11 2<sup>nd</sup> Chance Investment Group, LLC,  
16 12 Debtor.

17 13 Case No. 8:22-bk-12142-SC

18 14 Chapter 11

19 15 **DEBTOR IN POSSESSION'S MOTION  
20 UNDER LOCAL BANKRUPTCY RULE 2014-  
21 1 FOR: AUTHORIZATION TO EMPLOY  
22 PARAPROFESSIONAL AND TO ESTABLISH  
23 FEE PROCEDURE;**

24 16 [No Hearing Required Unless Requested]

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20 **TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY  
21 JUDGE, THE OFFICE OF THE UNITED STATES TRUSTEE; AND ALL PARTIES IN  
22 INTEREST:**

23 2<sup>ND</sup> Chance Investment Group, LLC (the "Debtor"), files this MOTION UNDER LOCAL  
24 BANKRUPTCY RULE 2014-1 FOR AUTHORIZATION TO EMPLOY  
25 PARAPROFESSIONAL AND TO ESTABLISH FEE PROCEDURE;

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EMPLOYMENT APPLICATION

1 ("Application"). In support of the Application, the Debtor submits the following  
2 memorandum of points and authorities and the attached declarations **STATEMENT OF**  
3 **FACTS**

4 On December 21, 2022, the Debtor filed a voluntary petition for relief under  
5 Chapter 11 of the Bankruptcy Code commencing case no. 8:22-bk-12142-SC (the  
6 "Case"). The Debtor remains as a debtor in possession. The Debtor scheduled fourteen  
7 parcels of real property on Schedule A/B. Debtor is in the process of liquidating its real  
8 estate assets and wishes to employ the services of DMC to help facilitate this process.

9 1. The Debtor in Possession moves for an order authorizing employment of a  
10 paraprofessional, as follows:

11 A. Identity of proposed paraprofessional: D Masin Consulting LLC ("DMC")

12 (1) DMC's resume, including hourly rates, is attached as Exhibit A.

13 (2) DMC estimates that its fees and out-of-pocket expenses in this case  
14 will not exceed \$5,000. (3) The proposed terms of DMC's  
15 employment, agreed to by the Debtor in Possession, are that DMC  
16 will perform the required services at its current hourly rate of \$85, plus  
17 reimbursement of out-of-pocket expenses. Upon the Trustee's  
18 approval of DMC's time records and invoice, he will be authorized to  
19 pay the invoice from funds in the estate up to \$5,000, without further  
20 order of the Court. The order granting this Motion shall allow and  
award DMC up to \$5,000 on the terms and conditions provided  
herein.

21 If at any time DMC's fees and out-of-pocket expenses exceed \$5,000,  
22 DMC will apply to the Court for approval of interim and/or final  
23 compensation in accordance with the provisions of 11 U.S.C. §§ 330  
24 and 331 and agrees to accept as compensation such sums as the  
25 Court may allow.

26 B. The Debtor in Possession contends that the paraprofessional will provide  
27 the following services that are listed in paragraph (f)(1) of Local Bankruptcy  
28 Rule 2016-2.

29 C. The Debtor in Possession contends that the paraprofessional will provide  
30 the following services that are not included in paragraph (f)(1) of Local  
31 Bankruptcy Rule 2016-2, and fees for these services should be paid  
32 separate and apart from the Trustee's compensation allowed pursuant to 11  
33 U.S.C. §326(a):

34 (1) Perform administrative and management duties in connection with  
35 liquidation of real estate owned by the Debtor in Possession;  
36 (2) Retrieve a check at the various premises that the Debtor in

- (3) Possession owns in the state of CA;  
Meet with a representative of various real estate parcels, obtain access, status of utilities, and arrange logistics necessary to administer and liquidate real estate; and
- (4) Perform general tasks of a field agent.

## I. CONCLUSION

The Debtor-in-Possession believes the employment of the Broker & Co-Brokers and the Agents on the terms and conditions provided herein is in the best interest of Creditors and the Estate.

Respectfully submitted,

## Financial Relief Law Center, APC

By: /s/ Amanda Billyard  
Amanda Billyard  
Attorneys for Debtor in Possession  
2<sup>nd</sup> Chance Investment Group, LLC

1  
2       **DECLARATION OF DAPHNE MASIN REGARDING DISINTERESTEDNESS FOR**  
3       **EMPLOYMENT OF PARAPROFESSIONAL PERSON UNDER LOCAL BANKRUPTCY**  
4       **RULE 2016-2**

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1. The following is a complete description of all of the paraprofessional's connections with the Debtor in Possession, principals of the debtor, insiders, the debtor's creditors, any other party or parties in interest, and their respective attorneys and accountants, or any person employed in the Office of the United States Trustee: **DMC is employed by the Debtor in Possession, under the bankruptcy code.**
2. The paraprofessional is not a pre-petition creditor, an equity security holder or an insider of the debtor, except as follows: **No exceptions.**
3. The paraprofessional is not and was not, within two years before the date of the filing of the petition herein, a director, officer or employee of the debtor in connection with the offer, sale or issuance of any security of the debtor. **No exceptions.**
4. The paraprofessional neither holds nor represents any interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in the debtor or an investment banker for any security of the debtor, or for any other reason, except as follows: **No exceptions.**
5. The paraprofessional is not a relative or employee of the United States Trustee or a bankruptcy judge, except as follows: **No exceptions.**

21       I declare under penalty of perjury under the laws of the United States of America  
22 that the foregoing is true and correct to the best of my knowledge, information and belief.

23       Date: May 9, 2023



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Daphne Masin  
Field Agent for DMC

## **DECLARATION OF DEBTOR'S COUNSEL**

I, Amanda Billyard, Counsel for Debtor in Possession, have prepared the foregoing motion for authorization to employ paraprofessional. The effective and efficient administration of this bankruptcy case dictates approval of the motion and I base that conclusion on the following facts:

4 On December 21, 2022, the Debtor filed a voluntary petition for relief under Chapter 11 of  
5 the United States Bankruptcy Code. Debtor in Possession requires the assistance of  
6 DMC to: Perform administrative and management duties in connection with liquidation of  
real estate owned by the Debtor in Possession;

- (1) Retrieve a check at the various premises that the Debtor in Possession owns in the state of CA;
- (2) Meet with a representative of various real estate parcels, obtain access, status of utilities, and arrange logistics necessary to administer and liquidate real estate; and
- (3) Perform general tasks of a field agent.

10 I am informed and believe that DMC has experience in management and  
11 accounting for bankruptcy estates and is well qualified to provide the required services.  
12 DMC can provide the required services at a substantially lower cost to the estate than  
13 other employed professionals. DMC's resume is attached as Exhibit A and incorporated  
by this reference. In my capacity as an attorney and counsel I have never used the  
services of DMC before.

14 I am informed and believe that DMC estimates that its fees and out-of-pocket expenses will not exceed \$5,000.

16 The proposed terms of DMC's employment are that DMC will perform the required  
17 services at its current hourly rate of \$85, plus reimbursement of out-of-pocket expenses.  
18 Upon my approval of DMC's time records and invoice, I will be authorized to pay the  
19 invoice from funds in the estate up to \$5,000, without further order of the Court. The order  
granting this Motion shall allow and award DMC up to \$5,000 on the terms and conditions  
provided herein. If at any time DMC's fees and out-of-pocket expenses exceed \$5,000,  
DMC will apply to the Court for approval of interim and/or final compensation in  
accordance with the provisions of 11 U.S.C. §§ 330 and 331 and agrees to accept as  
compensation such sums as the Court may allow.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 7 day of May, 2023, at Rancho Santa Margarita, California.

/s/ Amanda G. Billyard  
Amanda G. Billyard  
Attorney for Debtor in Possession

EXHIBIT "A"

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Daphne Masin  
710 S Myrtle Ave, # 516  
Avenue, Monrovia, CA 91016  
(626) 827-0262  
[daphnemasin@dmasinconsulting.com](mailto:daphnemasin@dmasinconsulting.com)

Results-driven professional with extensive experience in operations, administration, and finance. Managed and directed overall daily accounting functions, administered 401k pension plan for 100 employees, and have assisted in complex software conversions.

## AREAS OF EXPERTISE

- Finance Strategy
- General Accounting
- Contract Analysis
- Cash Flow Projections/Budgets
- Tax Returns/Laws/Schedules
- Working with Secured Lenders
- Human Resources
- Overall Operations

## SPECIAL SKILLS

- Administration and management of the “workout” process for insolvent businesses that are undergoing out-of-court processes.
- Expertise in forced liquidation sales and accompanying processes.
- Strong face-to-face and phone communication skills – able to explain complex situations in easy-to-understand communications; excellent at reassuring customers/clients who are in distress over liquidation process.
- Solid experience in the distribution industry; former material supplier to the construction industry. Calculate costs, deliveries to customers, sales invoicing, prepare AR and AP aging's, track sales commissions, prepare journal entries and update general ledger to tax preparation.
- Extensive knowledge of compliance requirements for federal and state taxing authorities (sales tax, payroll taxes, property taxes and code compliance).
- Software expertise: Microsoft Office-excel, word, QuickBooks, Oracle-NetSuite, ADP, Imanage, SAGE, Auction Flex : Stretto; Base Case; and miscellaneous proprietary software.

## PROFESSIONAL EXPERIENCE

**D MASIN CONSULTING LLC., Monrovia, CA** **March 2018-Present**  
Field Agent for Bankruptcy Trustees in various industries. Preparing reports and schedules to confirm all assets have been identified. Preform on-site inventory analysis. Assist with liquidation values, from my experience working on Auctions. Communicate with all essential parties to better understand intricacies of the case. As the Field Agent in General Assignments, confirm and schedule reports based on gathered Due Diligence information. Prepare bank statement analysis, review bank transfers; review and confirm Accounts Receivable-Accounts Payable-Inventory balances. On site inventory of assets. Work with auction houses when necessary. Collaborating with Turn Around and other companies specializing in insolvency, reviewing, interpreting, and reporting on financial and due diligence work for insolvent companies. Preparing cash flow analysis and research for preferences. Work with the debtors to better understand this alternate insolvency process through a General Assignment for the Benefit of Creditors. Help provide solutions whether to market the business or liquidate the assets through an auction process. Examples of cases worked on: Philmar Convalescent Home; Girardi Keese-Law Firm; Motionloft, Inc.; Uesugi Farms; Morningside Recovery and Sinbad Foods, LLC.

CREDIT MANAGEMENT ASSOCIATION, Glendale, CA 2009 – March 2018

ASSET SALES / COMMUNICATION Manager, Adjustment Insolvency Department

CMA is a 100+ year-old association that offers an array of business services including Business Collection, Industry Trade, Construction Lien, and the Adjustment Insolvency (ADJ). The focus of the ADJ is to administer complex transactions pertaining to closing a business (vs. filing Chapter 7 or 11).

- Prepare and review due diligence about the client company's operation, analyzing all financial information, preparing cash flow projections and budgets.
- Work with secured lenders of the debtors, and ultimately, find the best means to optimize the debtor's estate and the creditor's money, as well as securing all remaining assets in the estate.

- Liaison for auctions of client company assets (help coordinate and organize all matters relating to this process).
- Serve as resource for all matters pertaining to the liquidation of company; including managing all creditors and legal parties involved, virtually taking over the process for the client company.

**MCALONEY ENTERPRISES, INC., El Monte, CA**

2002-2009

**Executive Vice President/Co-Owner**

**\$1.5M Architectural Hardware Company**

- Performed daily operations, oversaw, and managed all areas of Human Resources; prepared all financial information from daily transactions through monthly financials through tax returns.
- Responsible for applying and certifying the business in city, state, and federal arenas for material procurement.
- Performed site surveys for contractors.
- Brought customers ideas and thoughts together through bids.
- Prepared hardware schedules supported with appropriate cut sheets as needed.
- Responsible for approving and signing all contracts and prepare appropriate liens.

**WELLS FARGO BANK, Van Nuys, CA**

2001

**Consultant - Project to assist in liquidating a company**

- Prepared all financial analysis forecasts.
- Established payment programs for the taxing authorities.

**MATCO UNITED, INC, Commerce, CA**

1985-2001

**Controller, Vice President**

**\$30M company distributing paper goods, food service and cleaning items.**

- Prepared and maintained all financial records including budgets, cash flows and monthly financial statements.
- Managed accounting, finance, and HR departments. Familiar with 401K and its administration.

**EDUCATION**

**California State University, Northridge**

**Bachelor of Science, Business/Accounting**

**PROFESSIONAL CERTIFICATIONS**

- Certified Bankruptcy Credit Specialist
- Certified Construction Credit Specialist

**PROFESSIONAL ASSOCIATIONS**

- Member of the National Association of Women in Construction (NAWIC)
- Turn Around Management Association (TMA)
- Los Angeles Bankruptcy Forum (LABF)
- National Association of Credit Managers (NACM)Financial Lawyers Conference (FLC)
- International Women's Insolvency & Restructuring Confederation (IWIRC)